

Peter J. Roberts
Illinois Bar No. 6239025
SHAW FISHMAN GLANTZ & TOWBIN LLC
321 North Clark Street, Suite 800
Chicago, IL 60654
Telephone: (312) 541-0151
E-mail: proberts@shawfishman.com

E-Filed: Aug. 31 2015

Brian D. Shapiro
Nevada Bar No. 5772
228 S. 4th Street, Suite 300
Las Vegas, NV 89101
Telephone: (702) 386-8600
E-mail: brian@brianshapirolaw.com

Attorneys for U.S. Bank National Association,
as the Plan Administrator for the KHI Post-Consummation
Trust and the Liquidation Trust Administrator
for the KHI Liquidation Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:

CASE NO. BK-S-15-10116-ABL
Chapter 11

NW VALLEY HOLDINGS LLC,
Debtor.

**NOTICE OF APPEAL AND
STATEMENT OF ELECTION**

Pursuant to Fed. R. Bankr. P. 8003, U.S. Bank National Association (the “Administrator”), as the Plan Administrator for the KHI Post-Consummation Trust and the Liquidation Trust Administrator for the KHI Liquidation Trust (collectively, the “KHI Trusts”) hereby appeals under 28 U.S.C. § 158(a) from the *Order Sustaining Joint Objection To The KHI Trusts’ Proof Of Claim No. 1-1 And, In The Alternative, Motion To Estimate The Claim* [ECF No. 180], a copy of which is attached hereto as Exhibit A.

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

U.S. Bank National Association as the Plan Administrator for the KHI Post-Consummation Trust and the Liquidation Trust Administrator for the KHI Liquidation Trust

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- Plaintiff
- Defendant
- Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- Debtor
- Creditor
- Trustee
- Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:

Order Sustaining Joint Objection To The KHI Trusts' Proof Of Claim No. 1-1 And, In The Alternative, Motion To Estimate The Claim [ECF No. 180], a copy of which is attached hereto as Exhibit A.

2. State the date on which the judgment, order, or decree was entered:

August 18, 2015

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: U.S. Bank National Association as the Plan Administrator for the KHI Post-Consummation Trust and the Liquidation Trust Administrator for the KHI Liquidation Trust

Attorney: Peter J. Roberts
Shaw Fishman Glantz & Towbin LLC
321 North Clark Street, Suite 800
Chicago, IL 60654
Phone: (312) 541-0151
Email: proberts@shawfishman.com

Brian D. Shapiro
228 S. 4th Street, Suite 300
Las Vegas, NV 89101
Phone: (702) 386-8600
E-mail: brian@brianshapirolaw.com

2. Party: Kyle Entity Holdings, LLC Attorney: Gregory E. Garman
Talitha Gray Kozlowski
Garman Turner Gordon LLP
650 White Drive, Suite 100
Las Vegas, NV 89119
Phone: (725) 777-3000
E-mail: ggarman@gtg.legal
E-mail: tgray@gtg.legal

3. Party: NW Valley Holdings LLC Attorney: Matthew C. Zirzow
Larson & Zirzow, LLC
810 S. Casino Center Blvd., Suite 101
Las Vegas, NV 89101
Phone: (702) 382-1170
Email: mzirzow@lzlawnv.com

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

Respectfully submitted this 31st day of August, 2015.

SHAW FISHMAN GLANTZ & TOWBIN LLC

By /s/ Peter J. Roberts

Peter J. Roberts (IL#6239025)

Shaw Fishman Glantz & Towbin LLC

321 North Clark Street, Suite 800

THE WILHELM STUDIO,
Chicago, Illinois 60654

Chicago, Illinois
(312) 541-0151

Brian D. Shapiro

Nevada Bar No. 5772

228 S. 4th Street, Suite 300

Las Vegas, NV 89101

Telephone: (702) 386-8600

E-mail: brian@brianshapirolaw.com

1
2 Attorneys for U.S. Bank National Association,
3 as the Plan Administrator for the KHI Post-Consummation
4 Trust and the Liquidation Trust Administrator
5 for the KHI Liquidation Trust
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT A

1

2

3

4

Entered on Docket
August 18, 2015

6

7

GARMAN TURNER GORDON LLP
GREGORY E. GARMAN, ESQ.
Nevada Bar No. 6654
E-mail: ggarman@gtg.legal
TALITHA GRAY KOZLOWSKI, ESQ.
Nevada Bar No. 9040
E-mail: tgray@gtg.legal
MARK M. WEISENMILLER, ESQ.
Nevada Bar No. 12128
E-mail: mweisenmiller@gtg.legal
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Telephone: 725-777-3000
Attorneys for Kyle Entity Holdings, LLC

15

16

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

17

18

19

20

21

22

23

24

25

26

27

28

Honorable August B. Landis
United States Bankruptcy Judge



In re:

NW VALLEY HOLDINGS LLC,
Debtor.

Case No.: BK-S-15-10116-abl
Chapter: 11

Date: July 8, 2015
Time: 1:30 p.m.

**ORDER SUSTAINING JOINT OBJECTION TO THE KHI TRUSTS' PROOF OF
CLAIM NO. 1-1 AND, IN THE ALTERNATIVE, MOTION
TO ESTIMATE THE CLAIM**

The Court, having considered the *Joint Objection to the KHI Trusts' Proof of Claim No. 1-1 and, in the Alternative, Motion to Estimate the Claim* [ECF No. 97] (the "Joint Objection"), filed by Kyle Entity Holdings, LLC, by and through its counsel, the law firm of Garman Turner Gordon LLP, and NW Valley Holdings LLC, debtor and debtor in possession, by and through its counsel, the law firm of Larson & Zirzow, LLC; the Court having held a hearing on the Joint Objection on July 8, 2015, at 1:30, with the appearances of counsel noted on the record; the

Case 15-10116-abl Doc 180 Entered 08/18/15 07:54:40 Page 2 of 3

1 Court having entered its oral ruling on the Joint Objection on July 31, 2015, at 3:00 p.m., during
2 which the Court stated its findings of fact and conclusions of law on the record, which are
3 incorporated herein by reference in accordance with Rule 52 of the Federal Rules of Civil
4 Procedure, made applicable pursuant to Rule 9014 of the Federal Rules of Bankruptcy
5 Procedure; and good cause appearing therefore:

6 **IT IS HEREBY ORDERED:**

- 7 1. The Joint Objection is SUSTAINED.
8 2. Proof of Claim No. 1-1 shall be disallowed.

9 **IT IS SO ORDERED.**

10 PREPARED AND SUBMITTED:
11

12 GARMAN TURNER GORDON LLP

13 /s/ Mark M. Weisenmiller
14 GREGORY E. GARMAN, ESQ.
15 TALITHA GRAY KOZLOWSKI, ESQ.
16 MARK M. WEISENMILLER, ESQ.
17 650 White Drive, Ste. 100
18 Las Vegas, Nevada 89119
19 *Attorneys for Kyle Entity Holdings LLC*

20

21

22

23

24

25

26

27

28

1 **LR 9021 CERTIFICATION**

2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

- 4 The court waived the requirement of approval under LR 9021(b)(1).
- 5 No party appeared at the hearing or filed an objection to the motion.
- 6 I have delivered a copy of this proposed order to all counsel who
7 appeared at the hearing, and any unrepresented parties who appeared at
8 the hearing, and each has approved or disapproved the order, or failed to
9 respond, as indicated below [list each party and whether the party has
10 approved, disapproved, or failed to respond to the document]:

11 Matthew C. Zirzow, Esq. on behalf of NW Valley Holdings LLC
12 (Approved).

13 Brian D. Shapiro, Esq. and Peter J. Roberts, Esq. on behalf of U.S. Bank
14 National Association, as the Plan Administrator for the KHI Post-
15 Consummation Trust and the Liquidation Trust Administrator for the
16 KHI Liquidation Trust (Approved).

- 17 I certify that this is a case under Chapter 7 or 13, that I have served a
18 copy of this order with the motion pursuant to LR 9014(g), and that no
19 party has objection to the form or content of the order.

20 ###